

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FRED PROCTOR,

Plaintiff,

v.

THE HONORABLE RAE LEE CHABOT  
and JESSICA COOPER,

Civil Action Number: 2:11-cv-14687  
Honorable Victoria A. Roberts

Defendants.

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**ORDER DENYING PLAINTIFF'S  
APPLICATION TO PROCEED WITHOUT PAYMENT OF FEES ON APPEAL**

Pending before the Court is Plaintiff's Application to Proceed Without Prepayment of Fees on Appeal. Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district court action who desires to appeal *in forma pauperis* must file a motion in the district court. Fed. R. App. P. 24(a)(1). An appeal may not be taken *in forma pauperis* if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3).

On December 21, 2011, the Court issued an Opinion and Order dismissing Plaintiff's Complaint and concluded that an Appeal from its Order would be frivolous and therefore could not be taken in good faith. *Proctor v. Chabot*, No. 2:11-cv-14698, 2011 WL 6655694, at \*5 (E.D. Mich. Dec. 21, 2011) (Roberts, J.). See 28 U.S.C. § 1915(a)(3); see also *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997) (same).

On that basis, the Court DENIES Plaintiff's Application to Proceed Without Prepayment of Fees on Appeal [Dkt. # 12].

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: April 30, 2012

The undersigned certifies that a copy of this document was served on the attorneys of record and Fred Proctor by electronic means or U.S. Mail on April 30, 2012.

s/Carol A. Pinegar  
Deputy Clerk